

**NEVADA STATE REHABILITATION COUNCIL (N.S.R.C.)**  
**MEETING MINUTES**  
November 13, 2018

Department of Employment Training & Rehabilitation  
500 E. Third Street, Carson City, NV 89713  
&  
Vocational Rehabilitation  
3016 W. Charleston Blvd. Suite 200, Las Vegas, NV 89102

**COUNCIL MEMBERS PRESENT:**

Ernest Hall  
Shelley Hendren  
Julie Bowers  
Bill Heavilin  
Kacy Curry  
Faith Wilson  
Robin Kincaid

**COUNCIL MEMBERS ABSENT:**

Todd McCullough  
Bob Brown  
Jean Peyton

**GUESTS/PUBLIC:**

Robert Hutt, North Bay Industries  
Jamie Thompson, North Bay Industries  
Havander Davis, Nevada PEP

**STAFF:**

Rosalie Bordelove, Deputy Attorney General  
Janice John, Rehab. Div. Deputy Administrator  
Javier Fernandez, Liaison to N.S.R.C.  
Mechelle Merrill, Rehab. Div. Bureau Chief  
Kim Cantiero, VR District Manager  
Mat Dorangricchia, VR District Manager  
Kara Lang, Rehab. Div. Training Officer  
Rosa Mendez, DETR Public Information Officer  
Vivian Turner, Rehab. Div. Supervisor

1. **CALL TO ORDER, INTRODUCTIONS, AND VERIFY TIMELY POSTING OF AGENDA**

Ernest Hall called the meeting to order at 9:01 a.m. Javier Fernandez NSRC Liaison called the role and determined a quorum was present.

Mr. Fernandez verified that the posting was completed on time in accordance with Open Meeting Law.

Mr. Hall asked for all present to introduce themselves and what agency they represent.

2. **PUBLIC COMMENT**

None

3. **APPROVAL OF THE SEPTEMBER 18, 2018 MEETING MINUTES**

Mr. Hall began the discussion by asking if there were any corrections to the minutes. Mr. Hall noted at the bottom of page one, under the "NSRC Annual Report Draft" section the word "indicated" should read "indicating." Page 2, midsection where it indicated "Mr. Hall had no preference" it should indicate "The council had not stated a preference on the color pallet for the report." Page 3, top paragraph, last sentence "Mr. Hendren" should read "Ms. Hendren." Page 6, in the "Public Comment Section" to change the sentence to read "Mr. Hall mentioned there are several council members' 2<sup>nd</sup> terms ending who will not be able to reapply: Robin Kincaid in November 2018; Ernest Hall in March of 2019."

Shelley Hendren, Rehabilitation Division Administrator noted a correction. Page 2, section 4, the last sentence where it indicated that Ms. Mendez will take a group photo, the word "resus" should be "recess."

Kacy Curry noted on page 2, section 5, 2<sup>nd</sup> paragraph her last name should be changed from "Currey" to "Curry."

Robin Kincaid noted on page 5 section 9, she believes there was a phrase taken out of context. The section referencing "For Adjusted Diploma" should read "Students who are not working towards a standard or alternate diploma. Their option is to continue toward their IEP goals and participate in Statewide tests and are eligible to stay in school up until their 22nd birthday." Mr. Hall asked for a motion from the council to approve the minutes as corrected. Kacy Curry motioned to approve. Bill Heavilin seconded the motion. All council members indicated they were in favor, none opposed, none abstained. Minutes approved.

#### 4. **EFFECTIVE COMMUNICATION TRAINING**

Kara Lang, Rehabilitation Division Training Officer began her power point presentation by indicating some changes had been made to the power point and going forward there will be a new training video that new council members will be able to view when they join the council that goes over effective communication. At the end of this training an evaluation was being asked to be completed so Ms. Lang can get some comments and suggestions on the presentation for the upcoming training video.

Ms. Lang began by quoting the Rehabilitation Act of 1973 as Amended, Section 504, Nondiscrimination Under Federal Grants and Programs and the American's with Disabilities Act (ADA) Title II, Nondiscrimination on the Basis of Disability in State and Local Government Services. She asked members to think about what role does communication play in your life? How important is effective communication when making decisions? Understanding leads to informed decisions. VR's vision is to bridge the gap between disability and self-sufficiency. Ineffective communication can lead to misunderstanding and a gap in that bridge. Both acts are currently the law.

##### **The Rehabilitation Act as amended, Section 504 states:**

- Programs receiving federal grants cannot deny a qualified individual services based on a disability.
- Qualified individuals with disabilities must be provided.
  - A. Opportunity to participate in a benefit from services equal to that offered to others.
  - B. Services as effective as that offered to others. Effective means equal opportunity for same level of benefit not the same result.

Who is a qualified individual?

- What are the qualifications for a particular program?
  - A. State Rehabilitation Council (SRC)
    - a. Council members
    - b. Public

Auxiliary Aids must be provided when necessary to afford equal opportunity to benefit for individuals with impaired:

- Sensory Skills
- Manual Skills
- Speaking Skills

*Auxiliary aids can include:* Helping someone fill out a short form; screen readers; magnifying software; braille; large print; electronic or audio format; sign language interpreter; certified deaf interpreter; real-time translation; devices that convert text, assisted listening devices. The aids all depends on the individual's needs.

##### **Americans with Disabilities Act (ADA) Title II:**

- Expands same protections
  - A. To individuals receiving services from state and local government entities.

The ADA specifically addresses communication. Communication with individuals with disabilities needs to be as effective as communication with individuals without disabilities.

To provide effective communication, the ADA requirement is to furnish appropriate auxiliary aids and services necessary to afford equal opportunity in program and primary consideration as to which auxiliary aid or service to provide is given to the individual to choose.

Individuals must also be provided accessible formats in a timely manner while respecting the individual's privacy and independence. The individual is not required to bring their own interpreter. Adult accompanying individuals can only be relied on to interpret in limited circumstances like an emergency involving imminent threat or if the individual prefers or has a specific request to have them present and is appropriate. A minor child can only be relied on to interpret in an emergency involving imminent threat.

Video Remote Interpreting Services (VRI) must include:

- A. Real-time, full motion, high quality and no lags in communication.
- B. Sharply delineated image, displays face-arms-hands and fingers regardless of body position.
- C. Clear audible transmission of voices.
- D. Adequate training in use of technology.

Telecommunication Services must include:

- A. Text telephone or equally effective systems like smart phones and video relay services.
- B. Effective real-time communication.
- C. Response must be in the same manner as responses to other telephone calls.

Information and signage must include:

- A. Information to the existence and location of accessible services, activities and facilities.

The ADA does not require fundamental alteration of services or to create undue financial or administrative burden when providing an auxiliary aid or service. The burden of proof is on the agency and can only be made by the head of the agency or a designee must decide after considering all available resources. Also a written statement of reasons is required.

In the Technical Assistance Manual II-7.1100 primary consideration is given to honor the choice of the individual; unless another equally effective means of communication is available or requires fundamental alteration or undue burden. Consulting with the individual will ensure effective communication.

Qualified Interpreters should:

- A. Communicate effectively; accurate and be impartial.
- B. Possess unique skills to be effective.
- C. Use specialized vocabulary.
- D. Use a qualified interpreter.

The agency must promptly identify and consult with the individual on their needs; provide services in a timely manner and is prohibited from retaliation against an individual.

5. **FINAL DRAFT OF THE NSRC 2018 ANNUAL REPORT**

Rosa Mendez, DETR Public Information Officer began her report by referencing the draft of the annual report that is in the meeting packet material. The suggestion was made to include a picture of the current council members on page 3 above the council list and to correct the name of Jean from "Payton" to "Peyton." Also on page 6, in the chairman's letter to correct (NVRC) to (NSRC). On page 6, under the picture of the Transition Team to correct the name of team member "Lori" to "Lora." Ms. Mendez pointed out some additional changes. On pages 12 through 14 the Collaboration section was made shorter than the previous year. The logos were made clearer. On pages 17 & 18 the Legislative Update section, historical pictures of the legislative building from circa 1971 have been added for nostalgic purposes. On pages 19 through 21 the Success Stories section, the stories have been shortened a bit. Pages 22 through 24 the Statistical Data will have the new Fiscal Year 2018 data added. Currently only place holders are in place. Page 25 has the updated Service Map which has current data on total VR clients served and total employed.

Pages 26 & 27 will have a "tear out sheet" so if anyone needs information it will be readily available. On the back of the report, social media and VR Nevada tag lines have been added.

Mr. Hall suggested adding on the edge of the tear out sheet to "Tear Here: For more information and the office phone number." On page 3, Easter Seals is all one word Easterseals. On page 10, change the wording in the box from "Program by the numbers" to "Internships by the numbers."

Bill Heavilin indicated the colors are a bit bright and it's difficult to read the text. Ms. Mendez indicated the color can be lightened.

Janice John, Rehabilitation Division Deputy Administrator inquired about the font size. If it can be made larger? Ms. Mendez indicated it can and it would make the report several pages longer. Historically the report has been about 28 pages. With the larger font it could increase the total pages to 32.

Ms. Curry asked if the address for the 6330 West Charleston office can be corrected to remove the "North" or to indent the second portion of the address.

Mechelle Merrill, Rehabilitation Division Bureau Chief suggested that on page 7, in the Transition Team photo caption to add "Claire Canton" to the list of team members.

Mr. Hall asked for a motion to be made to approve the changes as suggested and allow Ms. Mendez to make the changes. Mr. Heavilin motioned to approve the changes suggested by the council. Ms. Bowers seconded the motion. All council members indicated they were in favor, none opposed, none abstained. Motion carried.

6. **RSA MONITORING UPDATE**

Janice John, Rehabilitation Division Deputy Administrator reported that members from the Rehabilitation Services Administration (RSA) came to Carson City to monitor the Rehabilitation Division. They were here from September 24th through September 27th. The monitoring visit occurs every 5 years, information was provided to RSA, per their request, prior to the visit. The Rehabilitation Division was last monitored in 2011. Nevada was the last state to be monitored in RSA's 2018 cycle. Some of the areas they focused on were performance of VR and Supported Employment Programs including Competitive Integrated Employment Outcomes; Transition Services including a detailed look at (Pre-ETS) Pre-Employment Transition Services; Fiscal integrity of VR in the Supported Employment Program; progress of VR in implementing requirements of (WIOA) Workforce Innovation and Opportunity Act and One-Stop Service Delivery; and Third Party Cooperative Arrangements (TPCAs).

During the weeklong visit, sessions were established back-to-back lasting from an hour to an hour and a half. VR teams were established with appropriate staff relating to either Fiscal or Program. Their team focused on our Federal Reporting. Their Data representative provided technical assistance to our Business Process Analysts. The representative shared data that our division was underreporting. RSA has a new dash board that shows the different performance measures for each state. Case reviews were done on 30 cases. (WINTAC) Workforce Innovation Technical Assistance Center representatives also participated in the monitoring via telephone. There was discussion with the One-Stop partners, Workforce Connections and Nevadaworks focusing on the common performance measures, data sharing agreements and how the process works within the American Job Centers.

Outcomes of the monitoring were very positive, RSA recognized the improvements from their last technical assistance visit in 2016. The biggest improvements were the delivery of Pre-ETS, VR's policies and procedures, the agreements with the local and state education agencies, the customized employment pilot, and the counselors' use of VR's new client contact system "SARA." They met with students and teachers from the (VOICE) Vocational Opportunities for Inclusive Career Education program. They were impressed with the collaborative relationships with our community partners.

Areas for improvement include: correct the underreporting due to VR's old case management system RAISON. There were sections in the clients' cases that had not been checked so it underreported to RSA. Case reviews: Proof of employment process to be amended to include a copy of a paystub or written notification of employment. Closure letter dates are to match the case management system. Internal controls. Additional training for Transition Counselors to ensure consistency of service delivery. Improved reporting and tracking of Pre-ETS services. TPCAs amendments of contracts. Develop additional service providers for the rural areas.

RSA will provide a detailed report on the monitoring which will include the findings and areas for improvement and corrective action will be implemented.

Ms. Hendren commented on the fiscal side of the monitoring. A change in the Uniform Guidance which dictates fiscal procedures. VR used to have an exception for the pre-approval requirement in the Uniform Guidance and that is no longer the case. RSA was not sending out any guidance so as part of this monitoring process they are considering this session as the Technical Assistance portion so VR knows there will be a finding in our report. It is a complicated process as there are unique steps for each pre-approval. VR is considering hiring a contractor to work with our auditor to develop procedures for staff. VR is looking at other states for samples of procedures to assist us. Time was spent talking about appropriate expenditures and internal controls on how to protect state and federal assets. There was a learning curve for RSA on how VR codes its expenditures. RSA stressed the period of performance, the expenditures in the year of the federal grant need to be tied to that year and close out the federal fiscal year and not to include expenses that pertain to a different fiscal year of performance. If RSA determines funds were not coded to the appropriate year they will send out a disallowance decision and will ask for the funds to be returned.

RSA reviewed the contract process and the procurement process as VR had not been monitoring these processes properly and guidance is needed. There was discussion on the appropriate sources of match on what kind of effort can be considered match. There was discussion about the state audit. Through RSA there is a local company that does VR's yearly audit. They review random cases to determine if VR is making the eligibility determination within 60 days; that (IPE) Individualized Plan for Employment is written and signed within 90 days; if VR is following its financial participation policy; and they review contracts and contract language. The law requires 100% compliance on the timeline items, which is nearly impossible. RSA indicated if the agency reaches 90% or above, it's acceptable. VR is currently at 90% or higher.

There was discussion pertaining to TPCAs contracts and the (JAG) program Jobs for Americas Graduates as RSA is looking at these programs nationwide, as the curriculum they deliver pertains to four of the five pre-employment transition services activities. Hopefully in the future RSA can provide some guidance on what is allowed or not allowed. VR had a debriefing with VR staff, our technical assistance center and with financial management to ensure cohesion on becoming compliant.

7. **2019 LEGISLATIVE SESSION UPDATE RE: VOCATIONAL REHABILITATION AGENCY REQUESTED BUDGETS AND BILL DRAFT REQUESTS**

Shelley Hendren, Rehabilitation Division Administrator indicated that she was not able to discuss at this time due to the transition of the Governor elect. An emailed link was sent by Ms. Hendren to all council members for further information.

8. **REHABILITATION DIVISION ADVANCED DEGREE POLICY**

Faith Wilson, Rehabilitation Division Quality Control Specialist began her presentation that based on the recommendations by the council, subsection 12.5: Post-Secondary Education and Training at Vocational Training Facilities Changes on Advanced Degree section. Previously the requirement was to complete 3 to 6 months of related work experience prior to starting the advanced degree. Current requirement is to complete a minimum of 120 hours related work experience prior to starting the advanced degree. This could include activities, such as job shadowing, internships, volunteer opportunities and informational interviews.

Consideration of past work experience will be given if related to the advanced degree the participant is seeking. The experience specifications will be discussed and agreed upon by both the participant and the VR counselor.

Ms. Kincaid expressed concern about the 120 hours as a barrier. In certain situations, the requirement can't be obtained, specifically in the rural locations or the counselor agrees that it's not obtainable that the requirement be waived.

Kara Lang, Rehabilitation Division Training Officer indicated that at the beginning of subsection 12.5 it is written in the policy that exceptions are available and it discusses the process for a policy exception request. Mr. Heavilin also agrees with Ms. Kincaid that this is a barrier. He believes this is contrary to informed choice. Most people seeking an advanced degree have had prior work experience or, job shadowing.

Ms. Hendren added that an advanced degree is a big commitment and is a difficult course of study. VR does not want to set the client up to fail. The state has a commitment to ensure funds are being spent properly. VR wants to ensure the client can be successful in their career choice.

Mr. Hall suggested to include academic experience as an option to meet the requirement.

9. **ESTABLISHING A STATE PLAN GOAL FOR FEDERAL FISCAL YEAR 2020 PERTAINING TO CAREER COUNSELING INFORMATION & REFERRAL (CCI&R) DATA COLLECTION**

Mr. Hall began the discussion by disclosing that he works for Easterseals who has a subminimum wage certificate. They have a workshop that employees people making less than minimum wage. Their goal is to get people into competitive integrated employment. In the State Plan meeting there was an impasse where there was no goal established on how to measure the CCI&R data on what is considered *successful*. There was a robust discussion along with information provided by VR staff members who have firsthand knowledge of the program. This item was added to today's agenda so the council had an opportunity to hopefully establish a goal or give VR staff feedback on what do they wish to know to establish a goal to measure success.

Ms. Kincaid asked the council to consider improving the process; to recognize that the current process on how the information is being presented is not working. Showing individuals a power point is showing to be ineffective. I am requesting that the council be exposed to some new innovative ways to help individuals understand.

Mr. Hall noted that during the last State Plan meeting VR staff indicated that they don't know how success was being quantified. Ms. John indicated there is ongoing discussion with VR staff, modifications of the power point have been made, and personalized letters are sent to parents/guardians. Mr. Hall asked that for the next State Plan meeting in 2019 that VR staff provide performance measures on CCI&R and how they are being measured so the council can review and determine if improvement is needed and provide direction on how to improve.

Mr. Hall asked for CCI&R data, once available, to be added to the February 2019 meeting agenda.

10. **OTHER REPORTS**

Bill Heavilin, Client Assistance Program (CAP) there was nothing to report.

Kacy Curry, State Independent Living Council (SILC) there was nothing to report.

11. **ADMINISTRATOR'S REPORT**

Ms. Hendren reviewed the current State Performance Indicators and the NSRC Performance Indicators.

**State Performance measures, first quarter of the state fiscal year 2019:**

The Bureau of Services to the Blind and Visually Impaired (BSBVI): The totals are very small. The figures presented have been dropping steadily over the past 5 years.

1. Percent of clients closed with a competitive employment outcome is 30.8%. There was a total of 5 cases that closed within the month of September. BSBVI is underperforming on successful closures given the quantity of cases closed.
2. The percent of clients with a completed Individualized Plan for Employment (IPE) 90 days or less from their eligibility date is 81%.
3. Average hourly earnings of clients placed in competitive employment is \$34.25. Ms. Hendren indicated she will need to verify the earnings amount as this is a higher than usual figure.
4. Percent of transition students closed with a competitive employment outcome and those students who are pursuing post-secondary education is at 24% which is very close to the planned goal of 25%.

The Bureau of Vocational Rehabilitation (BVR):

1. Percent of clients closed with a competitive employment outcome is 43.2%. There were 181 cases closed for the first quarter. If the closures continue at the current rate the projected amount of closed cases would be 724. VR would like the amount to be a higher.
2. Percent of clients with a completed (IPE) 90 days or less from their eligibility date is at 95%.
3. Average hourly earnings for clients placed in competitive employment is \$12.46.
4. Percent of transition students closed with a competitive employment outcome and those students who are pursuing post-secondary education is at 14%. The planned goal is 25%.

The Bureau of Services to the Blind and Visually Impaired – Older Blind (BSBVI OB):

1. Percent of OIB clients with an Individualized Written Independent Living Plan (IWILP) 45 days or less from their application date is 98%.
2. Percent of OIB clients reporting satisfaction with services received has been around 85% over the past several years.

**FFY18 Fourth Quarter NSRC Goals and Indicators:**

**Goal # 1** – Increase the number of successful employment outcomes. The goal was a 5% increase from previous year, which was not met. The current percentage is 43%. There was a slight increase in clients' cases closed with an employment outcome in 2017 from 746 to 764.

**Goal # 2a** – Increase enrollment and outcomes in VR Transition students with an application date. The goal was a 5% increase from previous year, which was not met. In 2017 the total transition student applications were 803 current total is 786.

**Goal # 2b** – Increase enrollment and outcomes in VR Transition students that closed successfully (90 days of employment.) The goal was a 5% increase from previous year, which was not met. In 2017 the total transition student closed cases with employment outcomes were 381, at 39% current total is 496, at 35%.

**Goal # 2c** – Increase enrollment and outcomes in VR Transition students with post-secondary education. The goal was a 3% increase from previous year, which was not met. In 2017 the total open transition students with post-secondary education was 156, at 21% current total is 136, at 18%.

**Goal # 3** – Increase participation of underserved disability groups specifically mental health disabilities. The goal was a 3% increase from previous year, which was not met. In 2017 the total closed cases after service with mental health disabilities was 1,285. Current total is 1,229.

Mechelle Merrill, Rehabilitation Division Bureau chief provided additional information regarding goal # 3. In Northern Nevada, VR has a strong relationship with Northern Nevada Adult Mental Health as they had a rehabilitation counselor on staff that was vetting referrals to VR.

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The counselor is no longer with the agency which would account for the lower totals. They are in the process of recruiting for that position.

**Goal # 4a** – Increase participation of underserved ethnic populations through increased outreach efforts. The Hispanic percentages over the years has stayed relatively the same. It's currently at 17%.

**Goal # 4b** – Increase participation of underserved ethnic populations through increased outreach efforts. The Asian population has been consistent. It's currently at 4%.

**Goal # 5** – Work with eligible government and community partners to maximize the utilization of resources and federal dollars. Federal funds expended increased from FFY17 from \$16,381,489 to \$18,733,432. Federal funds relinquished were \$7,500,000 as they were not able to be matched. There were 10 states the previous year that relinquished funds. VR had 5 Third Party Cooperative programs at the beginning of the year. UNLV is no longer a partner. VR currently has 4 partners.

**Goal # 6a** – Increase participation and outcomes in open supported employment clients with the most significant disabilities. The goal is to meet or exceed previous years goal. This goal was met. FFY17 there were 503, for FFY18 there were 523.

**Goal # 6b** – Increase participation and outcomes in supported employment clients closed with an employment outcome. The goal is to meet or exceed previous years goal. This goal was met. FFY17 there were 126, for FFY18 there were 132.

Mr. Hall asked who is the liaison for the outreach that is performed? Ms. Hendren indicated that higher level counselors, supervisors and the workforce services team all perform outreach specific to each event.

12 **SECOND PUBLIC COMMENT**

Mr. Hall thanked Robin Kincaid for her service on the council as her second term is ending on November 30, 2018.

13 **ADJOURNMENT**

Meeting adjourned at 11:08 a.m.

Edited By:

  
Javier Fernandez, N.S.R.C. Liaison

Approved By:

  
Bob Brown, Interim Chair